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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/146,839	09/03/1998	ANAND SRINIVASAN	MI22-1017	9907

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WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.  
601 W. FIRST AVENUE  
SUITE 1300  
SPOKANE, WA 99201-3828

EXAMINER

MAI, ANH D

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/146,839

Applicant(s)

SRINIVASAN ET AL.

Examiner

Anh D. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10,13-19,22-28,36,38,39 and 43-46 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,4-8,10,13-19,22-28,36,38,39 and 43-46 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 25, 2002 has been entered.

### ***Amendment***

2. Amendment filed June 25, 2002 has been entered as Paper No. 24. Claims 1, 10, 18, 38 and 43 have been amended. Claims 45 and 46 are newly added. Claims 1, 4-8, 10, 13-19, 22-28, 36, 38, 39 and 43-46 are pending.

### ***Response to Amendment***

3. The amendment filed August 29, 2000, June 25, 2001 and June 25, 2002 are objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the temperature "from about 500 °C *but less than* 630 °C" (claim 18, line 4; claim 38, line 3; claim 43, line 3); .

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 18, 19, 38, 39, 43 and 44 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, *had possession* of the claimed invention.

There does not appear to be a specific written description of the claim limitation temperature of "*less than 630 °C*" in the application as filed.

At best, the specification disclosed: "[T]emperature of the substrate within the reaction chamber is preferably maintained at from about 400 °C to about 700 °C, and more preferably maintained at about 500 °C" (page 5, lines 3-5).

There is no such temperature of 630 °C as newly added.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 45 and 46 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Vassiliev (U.S. Patent No. 5,876,798) (cited previously).

With respect to claim 45, Vassiliev teaches a method of forming an insulating material as claimed including:

providing a substrate (3) within a reaction chamber;

providing reactants comprising silicon, fluorine and ozone within the reaction chamber and maintaining a pressure within the reaction chamber of from about 10 Torr to about 760 Torr (1 atmosphere); and

with a plasma present in the reaction chamber, depositing an insulating material, comprising fluorine, silicon and oxygen onto the substrate from the reactants. (See col. 1-6).

With respect to claim 46, Vassiliev teaches a method of forming a silicon oxide having Si-F bonds as claimed including:

providing a substrate (3) within a reaction chamber;

providing reactants comprising ozone and a precursor having Si-F bonds and maintaining a pressure of from about 10 Torr to about 760 Torr (1 atmosphere); and

with a plasma present in the reaction chamber, depositing a silicon oxide having Si-F bonds onto the substrate from the reactants. (See col. 1-6).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 4-7, 10, 16-19, 36, 38, 39, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vassiliev '798.

With respect to claim 1, Vassiliev teaches a method of forming a fluorine doped insulating material substantially as claimed including:

providing a substrate (3) within a reaction chamber, the reaction chamber controlled within a range of temperatures above 400 °C but not greater than about 700 °C;

providing reactants comprising silicon, fluorine and ozone within the reaction chamber and maintaining a pressure within the reaction chamber of from about 10 Torr to about 760 Torr (1 atmosphere); and

depositing an insulating material, comprising fluorine, silicon and oxygen onto the substrate from the reactants, wherein the depositing occurs with a plasma being present in the reaction chamber.

Note that the fluorine doped insulating layer of Vassiliev having a thickness of about 1,000 to 20,000 Å.

Regarding the deposition rate, it is well known in the art that the deposition rate is readily determined by the input of the reactant gases. The depositing rate does not appear to be critical.

Given the teaching of the reference, it would have been obvious to one having ordinary skill in the art at the time of invention to determine the optimum deposition rate of the fluorine

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doped insulating material. See *In re Aller*, Lacey and Hall (10 USPQ 233-237) "It is not inventive to discover optimum or workable ranges by routine experimentation."

With respect to claims 4-6, the reactants of Vassiliev comprises silicon and fluorine within a common molecule (FTES).

With respect to claim 7, the fluorine in the insulating material of Vassiliev is present in Si-F bonds.

With respect to claim 10, the claimed pressure (600 Torr) is within the pressure range taught by Vassiliev.

With respect to claims 16 and 17, the reactants of Vassiliev comprise a molecule that includes both Si and F (FTES), and another molecule that includes Si without F (TEOS).

With respect to claim 36, the deposition rate has been discussed above.

With respect to claim 18, Vassiliev teaches a method of forming a silicon oxide having Si-F bonds substantially as claimed including:

providing a reaction chamber at a temperature in excess of 400 °C but less than 630 °C;

positioning a substrate (3) within the reaction chamber;

providing an ozone comprising reactant and a precursor having Si-F bonds to the substrate within the reaction chamber and maintaining a pressure within the reaction chamber of from about 10 Torr to about 760 Torr (1 atmosphere);

while providing the ozone comprising reactant and the precursor having Si-F bonds to the substrate, providing a plasma within the reaction chamber; and

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causing a silicon oxide having Si-F bonds, to deposit onto the substrate within the reaction chamber. (See col. 1-6).

Note that the silicon oxide layer having Si-F bonds of Vassiliev having a thickness of about 1,000 to 20,000 Å.

Regarding the deposition rate, it is well known in the art that the deposition rate is readily determined by the input of the reactant gases. The depositing rate does not appear to be critical.

Given the teaching of the reference, it would have been obvious to one having ordinary skill in the art at the time of invention to determine the optimum deposition rate of the fluorine doped insulating material. See *In re Aller, Lacey and Hall* (10 USPQ 233-237) "It is not inventive to discover optimum or workable ranges by routine experimentation."

With respect to claim 19, the precursor having Si-F bonds of Vassiliev is FTES.

With respect to claims 38, 39, 43 and 44, the deposition temperature of Vassiliev within the reaction chamber is about 400-500 °C, thus within the claimed range.

Vassiliev further teaches the reaction chamber can be heated to a temperature of 500 °C or more. Additionally, the claimed temperature range does not appear to be critical.

Given the teaching of the references, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to determine the optimum temperature of the deposition chamber. See *In re Aller, Lacey and Hall* (10 USPQ 233-237) "It is not inventive to discover optimum or workable ranges by routine experimentation."



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7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vassiliev '798, as applied to claim 1 above, and further in view of Homma (U.S. Patent No. 5,288,518) (cited previously).

Vassiliev teaches all of the features of the claim with the exception of disclosing the atomic percentage of fluorine in the insulating material.

However, Homma '518 teaches the atomic percentage of fluorine in the fluorine doped insulating material is within the claimed range.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to form fluorine doped insulating material of Vassiliev having the atomic percentage of fluorine as taught by Homma to achieve a low dielectric constant.

Further, no criticality has been established.

Given the teaching of the reference, it would have been obvious to one having ordinary skill in the art at the time of invention to determine the optimum atomic percentage of fluorine in the fluorine doped insulating material. See *In re Aller, Lacey and Hall* (10 USPQ 233-237) "It is not inventive to discover optimum or workable ranges by routine experimentation."

8. Claims 13-15 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vassiliev '798 as applied to claims 1 above, and further in view of Kirchhoff et al. (U.S. Patent No. 6,057,250) (cited previously).

With respect to claims 13-15, 23 and 25, Vassiliev teaches all of the features of the claim with the exception of further includes boron and phosphorous in the reactant gases.

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However, Kirchhoff teaches forming fluorine doped insulating material further includes boron and phosphorous.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to include boron and phosphorous in the fluorine doped insulating material of Vassiliev as taught by Kirchhoff to lower the reflow temperature.

With respect to claims 22 and 26, the boron-containing precursor of Kirchhoff is TEB.

With respect to claims 24 and 27, the phosphorous-containing precursor of Kirchhoff is TEPO.

With respect to claim 28, the phosphorous-containing precursor and boron-containing precursor of Kirchhoff is TEPO and TEB.

### ***Response to Arguments***

9. Applicant's arguments filed June 25, 2002 have been fully considered but they are not persuasive.

With respect to the unsupported temperature range, it is within the ability of one having ordinary skill in the art to determine the **optimum** depositing temperature, given a temperature range. However, one can not pick and choose a temperature without providing sufficient evidence that an insulating film has been deposited at such temperature. Further there is no criticality shown and no unexpected result arrives from the pick-and-choose temperature.

Under the current law 35 U.S.C. 112, *first paragraph*, subject matter which **was not** described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), **at the time the application was filed, had possession of the claimed invention.** Therefore, the specification as filed, did not specifically disclose 630 °C as amended. The only disclosed temperature are about 400 °C to about 700 °C and more preferably at about 500 °C. (page 5, lines 3-5).

The objection and rejection are therefore, maintained.

**Rejection Under 35 U.S.C. 103.**

Claims 1, 4-7, 10, 16, 17 and 36; and 18, 19, 38, 39, 43 and 44.

Applicant has acknowledged that Vassiliev does teach the present of plasma in the deposition of the insulating film.

Applicant asserted that Vassiliev refers to Fig. 2 as an actual example of deposition using plasma enhanced CVD, but does not give any indication that the deposition used ozone.

To understand the teaching of Vassiliev, applicant is urged to review three embodiments (col. 4-5), all of which include ozone as a component, in addition to depositing with plasma (Fig. 2) or without plasma (Figs. 3 and 4).

Further, to fully understand the teaching of Vassiliev, one should have reviewed the reference as a whole, not just one line or one paragraph. The term “oxide layer 24”, in context, should be understood as fluorine doped oxide layer 24. That is, Vassiliev is considered to explicitly disclose plasma deposition using ozone.

Applicant is reminded that the Office has not use inherency with respect to the present of ozone in deposition with plasma. The inherency is only existed in the Applicant’s perception.

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Specially, Vassiliev discloses all reactants including silicon, fluorine and ozone within a reaction chamber (Fig. 1, col. 4-5) and with plasma (Fig. 2) or without plasma (Figs. 3-4). Thus, limitations of claim 1 and 18 have been fully taught by Vassiliev.

Dependent claims, thereof, are obvious over the teaching of Vassiliev in view Homma (claim 8), Kirchhoff (claims 13-15 and 22-28).

### *Conclusion*

10. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh D. Mai whose telephone number is (703) 305-0575. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A.M

August 10, 2002

  
